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JAMES E. JOHNSON
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NEW YORK 10007

LAURA IHEANACHOR
Assistant Corporation Counsel
liheanac@law.nyc.gov
Phone: (212) 356-2368
Fax: (212) 356-3509

September 18, 2020

BY ECF

Honorable Colleen McMahon
Chief United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Marcus Thorpe v. City of New York, et al. 9/21/2020
19 Civ. 5995 (CM)

OK
Colleen McMahon

Your Honor:

I am an Assistant Corporation Counsel in the Office of James E. Johnson, Corporation Counsel of the City of New York, and the attorney for defendants the City of New York, New York City Health and Hospitals Corporation, New York City Police Department, Harlem Hospital, NYCHHC Police Officer Francis Senajor, NYCHHC Police Officer Jonathan Cardona, and former Lieutenant Theresa Britto (collectively "City Defendants") in the above referenced matter. City Defendants write to respectfully request permission to serve their anticipated motion for partial summary judgment by October 26, 2020. Additionally, defendants request that Your Honor refer this matter to the Honorable Robert W. Lehrburger, for the purposes of settlement. Plaintiff's counsel consents to both requests.

As the Court is aware from City Defendants' letter, dated August 20, 2020, requesting endorsement of a briefing schedule pertaining to the instant motion, plaintiff agreed to voluntarily dismiss certain claims against each of the individual defendants. However, due to unforeseen personal circumstances concerning plaintiff's counsel, the parties have been unable to confer regarding the submission of a stipulation and order of dismissal pertaining to those specific claims. Without finalization as to which claims plaintiff intends to dismiss, City Defendants cannot complete the drafting of their summary judgment motion. As such, City Defendants respectfully request the Court endorse the following briefing schedule:

- Defendants' moving papers due October 26, 2020;
- Plaintiff's opposition due by December 18, 2020; and
- Defendants' reply, if any, due by January 4, 2021.

Thank you for your consideration herein.

Respectfully submitted,

Laura Iheanachor /s/

Laura Iheanachor
Assistant Corporation Counsel

cc: By ECF
Devon M. Radlin
Attorney for Plaintiff